



M E M O R A N D U M
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

TO: Honorable Commissioner Sally A. Heyman **DATE:** August 22, 2005
and Members, Board of County Commissioners

FROM: Charles Anderson, CPA
Commission Auditor

SUBJECT: Bid Selection
Committee Process

We have conducted a review of the County's Bid Selection Committee Process with regard to preventing bias and favoritism in the competitive bidding process, and we submit this report.

We thank employees of the Department of Procurement Management for their cooperation and input throughout the review. Please let us know if you need further information.

CA/dp

Cc: Honorable Carlos Alvarez, Mayor
George Burgess, County Manager
Alina Hudak, Assistant County Manager
Miriam Singer, Director of Procurement Management

LEGISLATIVE REPORT

BID SELECTION COMMITTEE PROCESS

I. SUMMARY

The selection committee process is designed to produce a fair and impartial system to evaluate the offers, proposals or quotes submitted by individuals and firms in competitive bidding for County contracts. The process has several elements that operate to prevent the opportunity for bias or favoritism. The transparency of the process provides significant safeguard for fairness and impartiality. Overall, the selection committee process makes it very difficult, even for the most determined person, to steer a contract award to a favored proposer.

II. PRESENT SITUATION

Section 4.03D of the Charter requires competitive bidding, whenever practicable, for contracts for public improvements and purchases of supplies materials and services. Several sections of the Code relate to safeguards in competitive bidding, including selection committees:

- Sec. 2-8.1. Contracts and purchases generally.
- Sec. 2-8.1.1.1. Taping of selection committee and negotiation committee proceedings required.
- Sec. 2-8.4. Protest procedures.
- Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

Several Administrative Orders relate to competitive bidding, including:

- A.O. 3-38 Master Procurement Administrative Order.
 - The Director of the Department of Procurement Management (DPM) is the designee for all procurement actions under this A.O., and the Director can select staff to exercise the delegated authority.
- **A.O. 3-34 Formation and Performance of Selection Committees.**
 - The request for establishment of a selection committee is prepared by the DPM or the user department and made to the Director of the Department of Business Development (DBD).
 - DBD establishes a pool of potential selection committee members.
 - Participants in the pool must attend a DPM workshop on the role and responsibilities of selection committee members, and the relevant laws affecting the procurement process (including the Code of Silence and Government in the Sunshine).
 - For each selection committee, DBD forwards the names of recommended members to the Manager for appointment. The members are recommended on a rotational basis according to the needs of the specific bid.

- Selection committees typically have five voting members (though they can also have three if under a certain dollar threshold, or seven voting members if the Manager determines it necessary).
- Selection committees must have a non-voting chairperson, who must be a procurement professional from DPM or the issuing department.
- For each three person selection committee, one voting member must be from the user department, and for each five or seven person selection committee, two voting members must be from the user department.
- One voting member must be from DPM, assigned on a rotational basis.
- A majority of the selection committee members must have the technical background to understand the bid. The Directors of the user department, DPM and DBD can request two additional non-voting technical advisors.
- Each selection committee must have an alternate voting member.
- The County Manager shall appoint members to selection committees based on a balance of ethnicity and gender.
- For contracts in excess of \$5 million for proposals, the selection committee members must be division directors or higher ranking staff.
- Each appointee must sign an affidavit attesting to his or her neutrality and compliance with the Conflict of Interest and Code of Ethics Ordinance.
- Any request to be excused must be in writing, explaining the serious and legitimate reasons, and must be signed by the Department Director and sent to the County Manager.
- A.O. 3-31 Taping Procedures for all Proceedings of Selection and Negotiation Proceedings.
 - All selection and negotiation committee meetings must be audiotaped, and may be videotaped, by DPM or the issuing department.
 - Members of the public may make their own arrangements to tape the meetings, so long as it does not interrupt or delay the meeting.
 - The chairperson of the committee must ensure that all participants are identified, and that no proceedings take place without being taped.
- A.O. 3-37 Cone of Silence.
 - The Cone of Silence protects the integrity of the procurement process by preventing improper communication between affected parties and department staff, especially members of the selection committee, regarding a particular RFP, RFQ or bid.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

Public confidence in the fairness of the procurement process will encourage greater participation by proposers and produce better value for the County.

V. COMMENTS AND QUESTIONS

The selection committee process promotes fairness and impartiality in a transparent manner to secure the best value to the County. Granted, the process does not guarantee the County can detect and eliminate all biased persons from participating in the process, but the process is very comprehensive. In order for favoritism to succeed in the selection committee process, a biased person would have to overcome many safeguards in the process. Persons with a bias towards a particular proposer would have to secure their own appointment to the selection committee, or the appointment of others who also have a bias or who can be persuaded to favor one proposer despite the merits of the other proposers. **The following safeguards in the selection committee process prevent the original appointment of a biased person and subsequent favoritism:**

- Persons with a bias towards a particular proposer have a limited opportunity to be selected to participate in the selection committee for a specific bid:
 - The voting members from DPM are assigned in rotation from a pool. The rotation prevents the intentional assignment of a specific person for a specific bid by DPM.
 - Other voting members are recommended by DBD also in rotation from a pool, according to the needs of the specific bid. The rotation prevents the intentional assignment of a specific person for a specific bid by DBD.
 - The County Manager, rather than the department directors, makes the final appointments, with a gender and ethnic balance. The appointment process prevents department directors from appointing a specific, biased person.
- Persons with a bias towards a particular proposer have a limited opportunity to influence the actions of other selection committee members:
 - Their biases are offset by the participation of the other voting members of the committee, the chairperson (a procurement professional), and perhaps non-voting technical members. The group decision-making prevents a biased person from solely determining the outcome of the evaluation.
 - Their actions are limited to the evaluative criteria in the bid specifications. The evaluative criteria prevents a biased person from injecting extraneous issues into the considerations.
 - Their actions in selection committee proceedings are tape recorded at publicly noticed meetings. The Government in the Sunshine prevents a biased person from openly displaying a bias during the evaluation phase.
- Selection committee members understand the consequences of favoritism:
 - They must attend a workshop facilitated by DPM, which covers their responsibilities and the law, before they can enter the pool. The workshop prevents a biased person from thinking favoritism is tolerated.
 - They must attest to their neutrality and compliance with the law before they are appointed by the County Manager for a specific bid. The attestation prevents a biased person from forgetting or ignoring the responsibilities and the law regarding the selection committee process.
 - They risk dismissal from the pool and further disciplinary action if anyone in the process discovers their bias. The disciplinary action prevents a biased person from thinking that favoritism has no serious consequences.

There are two alternatives to the selection committee for favoritism to succeed. First, a biased person could influence the design the bid specifications so that any eventual selection committee would more likely rank the favored proposer over the others. However, a biased person would have to do this without the knowledge of the unfair specifications by the others in the process. These include the user department, other proposers, the chairperson, other selection committee members, and DPM. At any point in the process, if the County considers the bid specification inadequate or unfair, the bid can be withdrawn and new bid specifications issued.

Second, for those contracts which require Commission approval, a determined person could attempt to persuade the Commission to award the contract to the favored proposer who did not score the highest in the evaluative criteria and did not receive the County Manager's recommendation. The decision to reject the recommendation and award a contract to another proposer is the prerogative of the Commission, and the decision is an appropriate occasion for lobbying.

Attachments:

- A.O. 3-34 Formation and Performance of Selection Committees.
- A.O. 3-31 Taping Procedures for all Proceedings of Selection and Negotiation Proceedings.
- Consultant Selection Committee Member Neutrality/Disclosure Form.
- documents from Contract 447, regarding Employee Group Legal Services:
 - Report of Evaluation/Selection Committee
 - Evaluation of Proposals
 - Appointment of members of Evaluation/Selection Committee
 - Background information on members of the Evaluation/Selection Committee

Administrative

Order

MIAMI-DADE

Administrative Order No.: 3-34

Title: Formation and Performance of Selection Committees

Ordered: 2/3/2004

Effective: 2/13/2004

AUTHORITY:

Section 4.2 of the Miami-Dade County Home Rule Amendment and Charter; and Section 2-10.4 of the Code of Miami-Dade County.

SCOPE:

This Administrative Order (AO) establishes uniform procedures for the formation and performance of selection committees in the competitive procurement processes of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

Selection committees that are fair, impartial and objective shall be utilized in the competitive procurement processes of Miami-Dade County for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award. The provisions of this Administrative Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action.

FORMATION OF SELECTION COMMITTEES:

The pool of potential selection committee members shall be established by the Department of Business Development (DBD). DBD shall forward the names of the recommended selection committee members to the County Manager for approval. The composition of selection committees shall be as follows:

- A. Selection committees shall consist of 5 voting members, excluding the committee chairperson. The committee may consist of 7 voting members if determined to be necessary by the County Manager or his or her designee.
- A selection committee of three (3) voting members may be used only for RFP/RFQs that are under the dollar threshold for formal sealed bids and in the evaluation of proposals for a specific project from an established pool of vendors already qualified under an RFP or RFQ process.
- B. The chairperson of the selection committee shall be non-voting member from the professional procurement staff of the Department of Procurement Management (DPM), and if DPM is not the issuing department, then the chairperson shall be a non-voting member from the professional procurement staff of the issuing department.
- C. Selection committees shall include one voting member from the user department for committees consisting of 3 voting members, and two voting members from the user department for committees consisting of 5 or 7 voting members. One voting member shall be from the Department of Business Development (DBD), and shall be assigned on a rotational basis.
- D. The Majority of the selection committee members shall have the technical background necessary for understanding the scope and requirements of the particular procurement. The Director of the user department, and the Directors of the Departments of Business Development and Procurement Management, may request the addition of non-voting technical advisors to supplement the technical expertise of selection committees.
- E. The selection committee members shall be recommended on a rotational basis from the selection committee pool, based on parameters established for the specific project.
- F. An alternate voting member shall be included at the time the selection committee is appointed, and will become a voting member in the event that a member substitution is required.

In all cases of selection committee formation, the County Manager shall appoint committees that are balanced in their representation of the Miami-Dade County community with regard to ethnicity and gender.

When a selection committee is utilized in the evaluation of proposals for a contract estimated to exceed five million dollars (\$5,000,000) for the base period, such committee shall consist exclusively of Division Directors, their equivalent or higher ranking County staff.

Participants in the selection committee pool shall be required to attend a workshop facilitated by DPM, which describes the role and responsibilities of a

selection committee member, and reviews pertinent legislation affecting the selection process.

PERFORMANCE OF SELECTION COMMITTEES:

Each individual appointed to a selection committee shall sign an affidavit attesting to his/her neutrality and assuring that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1). Individuals appointed to serve as selection committee members must attend all meetings and be prepared to take action. Any request by County staff, including Department Directors, to be excused from selection committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department Director and sent to the County Manager through the Director of the Department of Business Development.

All proceedings of selection committees shall be audiotaped in accordance with Administrative Order No. 3-31.

The performance of selection committees is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law. Those provisions must be studied and strictly adhered to by committee members.

EXCEPTIONS:

All of the foregoing procedures apply uniformly with the following exception for the A&E process:

For Project Specific Agreements where the projected budget for A&E fees is in excess of \$2 million, the selection committee shall consist of County members at the Division Director level or above, or their equivalent, exclusively.

EFFECTIVE DATE:

This Administrative Order shall become effective after approval by the Board of County Commissioners, and shall apply prospectively to selection committees appointed after the effective date.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

George M. Burgess
County Manager

Administrative Order

MIAMI-DADE

Administrative Order No.: 3-31

Title: Taping Procedures for all Proceedings of Selection and Negotiation Committees

Ordered: 1/25/2001

Effective: 2/4/2001

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter; Section 2-1.1.1 of the Code of Miami-Dade County as amended by Ordinance 00-106; and Section 119, Florida Statutes.

SCOPE:

This Administrative Order (AO) establishes the procedures and requirements for taping all proceedings of Selection and Negotiation Committees.

POLICY:

All proceedings of Selection and Negotiation Committees shall be audiotaped. The Department of Procurement Management (DPM) shall be responsible for audiotaping Selection and Negotiation Committee meetings when DPM is the issuing department for the solicitation. When DPM is not the issuing department, the department issuing the solicitation shall be responsible for audiotaping meetings of Selection and Negotiation Committees. This AO covers all County procurement processes involving a Selection or Negotiation Committee including, but not limited to, the process by which Community Development Block Grants are distributed and community based organizations are funded. It also covers procedures for numbering, labeling, filing, duplicating and distributing the audiotapes, and the protocol for audiotaping before, during, and at the conclusion of said meetings.

The County's obligation is to audiotape applicable meetings. The County is not required to videotape meetings. If a member of the public requests that a meeting be videotaped, they shall be advised that they must make their own arrangements and pay for the services. The County's process shall not be interrupted nor delayed to facilitate videotaping by a private entity. Additionally, County solicitation documents shall include language advising the public that they must provide the County fourteen (14) business days advance notice if they wish to videotape the proceedings of a Selection Committee and/or Negotiation Committee meeting. When possible, the County will make reasonable efforts to provide a suitable meeting room to accommodate such requests to videotape a proceeding. If a

member of the public videotapes a meeting, County staff is still required to audiotape the meeting. If the County videotapes a meeting, it is not required to create a separate audiotape.

AUDIOTAPE NUMBERING SYSTEM, REQUESTING COPIES OF AUDIOTAPES AND COST OF COPIES, FILING OF TAPES WITH THE COMMUNICATIONS DEPARTMENT, AND CHAIN OF CUSTODY:

Audiotape Numbering System:

1. Each County department shall use the uniform numbering system herein described. To distinguish each department's audiotapes, all numbering systems must include the department's numeric code, the solicitation number, type of proceeding, the date of the meeting and the ordinal number.

For example, the label of an audiotape recorded by the Department of Procurement Management on October 24, 2000 shall read as follows: 012-RFP099 Negotiation Committee Mtg.; 10/24/00 Tape 1 of 3.

2. Tapes that are not properly numbered and labeled shall be returned to the originating department.

Requesting Copies of Audiotapes and Cost of Copies:

1. Requests for copies of audiotapes shall be made in writing to the Communications Department. When a department receives a telephone request for a copy of an audiotape, the caller shall be instructed to contact the Communications Department.
2. The Communications Department shall charge a fee for each duplicate tape requested by the public. Pursuant to Section 119.07, Florida Statutes, and applicable County policy, all tapes shall be considered public documents and shall be duplicated and distributed in accordance with Florida Statutes regarding public records and County Administrative Order No. AO 4-48, Fees Charged to the Public for Examining and Duplicating Records.

Filing of Tapes with the Communications Department and Chain of Custody:

1. The Communications Department shall:
 - a. request and receive audiotape(s) from the originating department whenever a public records request for an audiotape is made;
 - b. make a duplicate and return the original tape(s) to the originating department;
 - c. duplicate tapes in response to public records requests for copies of specific tapes;

- d. charge and collect the appropriate fees for copies of tapes and dispense copies of the audiotapes to the public; and
 - e. maintain a file of all audiotapes created under this AO for a period of six (6) months after award or rejection of proposals. The original tape(s) shall remain a part of the permanent contract file in the department.
- 2. Upon request from the Communications Department, the originating department shall label and forward the tape(s) with a transmittal memorandum to the Communications Department. The transmittal memorandum shall include, at a minimum, the name of the department sending the tape(s), the type of meeting taped (Selection or Negotiation Committee), the solicitation identification or project number, and the tape number and label as described above in "Audiotape Numbering System."

PROTOCOL FOR AUDIOTAPING ALL PROCEEDINGS OF SELECTION COMMITTEES AND NEGOTIATION COMMITTEES:

The following protocol shall be followed by departments when audiotaping a Selection and/or Negotiation Committee meeting. This protocol assumes that taping of the proceedings is conducted and managed by the individual serving as chairperson of the Committee. The chairperson may designate another staff person to perform all functions as it pertains to the chairperson's role in audiotaping the applicable meetings.

Protocol:

- 1. Prior to starting the proceedings of a Selection Committee or Negotiation Committee, the chairperson shall:
 - a. call the meeting to order;
 - b. state for the record the date, location, and type of proceeding;
 - c. identify himself/herself, stating their designation and business address, and the fact that the proceedings are being taped in accordance with County policy;
 - d. state the purpose of the proceedings; and
 - e. require introduction of all present stating name and business address.

If at any point someone joins or departs the proceedings, the chairperson shall state for the record, as soon as logistically feasible, the name of the person and their action (i.e., entrance to or departure from the meeting). For individuals joining the proceedings after introductions are completed, their name and business hall be noted for the record.

- 2. Taping of the proceedings shall continue until such point that the proceedings are required to be stopped. At that point, the chairperson shall:
 - a. state for the record the reason for stoppage;

- b. advise that no discussion of the issue can take place until taping can resume; and
- c. stop taping.

1.1 In the event of equipment and/or tape malfunction, the following shall be executed:

- a. If the malfunction is repaired and the proceedings can continue, the chairperson shall resume taping and:
 - 1. note for the record the nature of the malfunction and state that no discussion of the proceedings has taken place during the unrecorded period; and
 - 2. continue discussion.
- b. If the malfunction cannot be repaired, the chairperson shall adjourn the proceedings, make a note for the record, attempt to locate another recording device, and continue the proceedings at such time as taping can resume.

2.2 The processes identified in numbers 2 and 2.1a above shall be followed at any point the proceedings are stopped and restarted.

- 1. Prior to the conclusion of the proceeding, the chairperson shall:
 - a. advise that the tape of the proceeding, pursuant to Section 119.07, Florida Statutes, is a public document;
 - b. advise that such document may be duplicated and distributed in accordance with Florida Statutes regarding public records and County Administrative Order No. AO 4-48, Fees Charged to the Public for examining and Duplicating Records; and,
 - c. advise that copies of the proceeding may be obtained from the Communications Department upon written request.
- 2. In closing statements prior to concluding the taping, the chairperson shall advise that for the purposes of the instant proceeding, in accordance with County policy, the proceeding for a Selection Committee meeting or Negotiation Committee meeting is concluded and nothing further regarding the proceeding will be discussed.
- 3. The chairperson directs that taping be concluded.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

M.R. Stierheim
County Manager

**CONSULTANT SELECTION COMMITTEE MEMBER
NEUTRALITY/DISCLOSURE FORM**

Requesting Department Name

OCI Project No.

(Conflict of Interest and Code of Ethics Ordinance – Section 2-11.1)

As a member of the Committee to evaluate proposals for **PROJECT TITLE**, I acknowledge that I am aware of and have read The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County, and realize that such Ordinance precludes me from, among other things, soliciting, demanding, accepting or agreeing to accept any gift as a result of my service on such Committee; from exploiting my position on the Committee to secure special privileges or exemptions for myself or others; from disclosing confidential information acquired by reason of my Committee service or utilizing such confidential information for my personal gain or benefit; and from having communications regarding a particular NTPC, RBDS, RFP, RFQ or bid proscribed by the "Cone of Silence."

Further, I hereby certify that to the best of my knowledge I do not have, control, or direct any financial or other interest held personally or on behalf of any member of my immediate family (spouse, parents, and children of the person involved) in any entity or affiliate of any such entity under consideration by this Committee with respect to any contract or sub-contract relating to the above referenced project.

I certify that I and the members of my immediate family are not now employed and have not been employed by any entity or affiliate of such entity under consideration by this Committee with respect to any contract or sub-contract on this project. I further certify that I and the members of my immediate family have not had discussions, conversations, offers, agreements or arrangements for future employment with any entity or affiliate of such entity under consideration by this Committee with respect to any contract or sub-contract on this project. I further certify that I and the members of my immediate family have not solicited or accepted, and that I and the members of my immediate family will not solicit or accept, gratuities, favors or anything of value to any contract or sub-contract on this project.

I certify that I and the members of my immediate family have no connection of any kind with any entity or affiliate of such entity under consideration by this Committee with respect to any contract or sub-contract on this project or with application or transaction that might appear to create a conflict of interest except such entities, applications or transactions which are listed below:

I certify that I was not employed at any time by any entity or affiliate of such entity under consideration by this Committee with respect to any contract or sub-contract on this project except such entities which are listed below during the periods listed below:

I have not discussed, and I will not discuss, the evaluation of these proposals or any information contained in any proposal obtained as a result of this procurement process, except at the Committee's meetings for this project, with any person not directly involved in the procurement process. I understand that any violation of this prohibition shall cause my immediate removal as a member of this Evaluation Committee.

Member's Signature

Member's Name (Print)

Member's Title

Date

Memorandum



Date: February 3, 2005

To: Miriam Singer, Acting Director
Department of Procurement Management

From: Oscar Willumsen, Jr., Chairperson
Evaluation/Selection Committee

Subject: Report of Evaluation/Selection Committee for
RFP No. 447, Employee Group Legal Services Program

The Evaluation/Selection Committee has completed the task of evaluating proposals submitted in response to the above referenced Request for Proposals ("RFP") following the guidelines published in the RFP solicitation as follows:

Project No.: RFP 447

Project Title: Employee Group Legal Services Program

Purpose of the RFP: To contract with a qualified Proposer to provide County employees with a group legal services program. The County views this program as an important and progressive benefit offered to its employees and desires to continue the current benefit structure.

Term of contract: Three (3) year period plus two (2) one (1) year options to renew the term at the County's sole discretion.

Review Committee: Notification of this solicitation has been sent to the Department of Business Development.

Date of BCC approval to issue and advertise: September 2, 2004 as Resolution R-1155-04

Number of solicitations and announcements issued:

43 RFP's downloaded from Department of Procurement Management's website
0 RFP's picked-up from the Vendor Assistance Unit
5 advertisements in periodicals
131 announcements issued to potential proposers

Date of Pre-Proposal Conference: October 21, 2004

Number of addenda and dates issued:

Five (5)
October 26, 2004
November 5, 2004
November 16, 2004
November 22, 2004
December 1, 2004

Deadline for receipt of proposals:

December 3, 2004

Number of proposals received:

Six (6)

Name of proposers:

1. ARAG Insurance Company
2. Heritage Casualty Insurance Company d/b/a/ Signature LegalCare
3. Hyatt Legal Plans of Florida, Inc.
4. LegalPlans USA
5. Pre-Paid Legal Services, Inc. of Florida
6. U.S. Legal Services, Inc.

Committee meeting dates:

December 7, 2004 ("Kick-off")
January 19, 2005 (Technical Evaluation)
January 26, 2005 (Technical & Price Evaluation)

DBD Verification of eligibility or compliance with Contract Measures: Not applicable since the Review Committee did not assign any measures to this RFP.

Other information: This RFP is a re-solicitation of RFP 422 which was rejected by the BCC.

Summary of Committee scores:

Technical scores (max. 3,000 points):

<u>Proposer</u>	<u>Technical Score</u>
1. ARAG Insurance Company	2600
2. LegalPlans USA	2456
3. Hyatt Legal Plans of Florida, Inc.	2181
4. Heritage Casualty Insurance Company d/b/a/ Signature LegalCare	1969
5. U.S. Legal Services, Inc.	1537
6. Pre-Paid Legal Services, Inc. of Florida	1370

The Committee decided not to hold oral presentations since the proposals did not require further clarification. Price proposals were opened for those firms remaining in consideration, the top four firms, after the review and scoring of technical proposals.

Final Scores:

The total final scores are as follows:

<u>Proposer</u>	<u>Technical Score</u>	<u>Price Score</u>	<u>Total Score Technical & Price</u>	<u>Local Preference* (# - 5% = #)</u>	<u>Price/Cost Submitted</u>
1. LegalPlans USA	2456	2000.00	4456.00	4233.20	\$3,443,814.72
2. ARAG Insurance Company	2600	998.60	3598.60		\$6,897,219.00
3. Hyatt Legal Plans of Florida, Inc.	2181	1054.75	3235.75		\$6,530,146.56
4. Heritage Casualty Insurance Company d/b/a/ Signature LegalCare	1969	1201.25	3170.25		\$5,733,639.00

Memo to Miriam Singer
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***Local Preference:** Local Preference was considered in accordance with applicable ordinances, but did not affect the outcome as no Proposers came within 5% of the top-ranked firm's final score. The number provided in the "Local Preference" column above, indicates the score that a local firm would have to reach in order to claim local preference (if the top-ranked firm is a non-local firm).

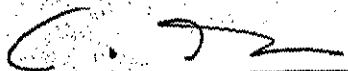
Copies of the score sheets are attached for each Evaluation/Selection Committee Member, as well as a composite score sheet.

Request for authorization to enter negotiations:

It is respectfully requested that authorization be given to enter into negotiations with the firm with the highest score, **LegalPlans USA**. The following individuals are recommended to participate in the negotiation team:

Oscar Willumsen, Jr., Procurement Contracting Officer, DPM
Hazel Grace-Dansoh, Insurance Benefits Manager, GSA
Mario Santana, Contract Compliance Officer 1, DBD

Authorization to negotiate is:

 2/19/05

Approved Date

Not Approved

Date

cc: Evaluation/Selection Committee

RFP NO. 447

Employee Group Legal Services Program
Evaluation of Proposals

Composite

SELECTION CRITERIA	PROPOSERS	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signature LegalCare	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 2,000 (400 points per 5 members))		820	980	1710	1330	1380	1620
Proposer's experience, including designing and administering the plans (Max. Points: 700 (140 points per 5 members))		390	410	640	445	585	605
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 300 (60 points per 5 members))		160	147	250	194	216	231
39 Total Technical Points (Total of above rows)		1370	1537	2600	1969	2181	2456
Total Price Points (Max. Points: 2,000 (400 points per 5 members))				998.60	1201.25	1054.75	2000.00
TOTAL POINTS (Technical + Price)				3598.60	3170.25	3235.75	4456.00
Local Preference* (Highest ranked proposer's total points - 5% = Local Preference range)							4233.20

Signature: [Signature] Date: 2/2/2005
 Chairperson: [Signature]
 Reviewed By: [Signature]

RFP NO. 447

Employee Group Legal Services Program
Evaluation of Proposals

Sandra Gamble

SELECTION PROPOSERS CRITERIA	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signature	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the Proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 400)	280	200	300	325	350	380
Proposer's experience, including designing and administering the plans (Max. Points: 140)	100	80	130	100	130	125
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 60)	55	30	55	50	56	58
Total Technical Points (Total of above rows)	435	310	485	475	536	563
Total Price Points (Max. Points: 400)			199.72	240.25	210.95	400.00
TOTAL POINTS (Technical + Price)			684.72	715.25	746.95	963.00

40

RFP NO. 447
Employee Group Legal Services Program
Evaluation of Proposals

Mario Santana

SELECTION PROPOSERS CRITERIA	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signatue LegalCare	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the Proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 400)	290	300	380	280	330	380
Proposer's experience, including designing and administering the plans (Max. Points: 140)	120	120	140	80	120	140
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 60)	50	50	60	40	50	55
Total Technical Points (Total of above rows)	460	470	580	400	500	575
Total Price Points (Max. Points: 400)			199.72	240.25	210.95	400.00
TOTAL POINTS (Technical + Price)			779.72	640.25	710.95	975.00

RFP NO. 447
Employee Group Legal Services Program
Evaluation of Proposals

Andrew Mullings

SELECTION PROPOSERS CRITERIA	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signatue LegalCare	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the Proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 400)	100	150	275	250	100	200
Proposer's experience, including designing and administering the plans (Max. Points: 140)	80	100	115	100	110	105
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 60)	15	20	30	30	25	20
Total Technical Points (Total of above rows)	195	270	420	380	235	325
Total Price Points (Max. Points: 400)			199.72	240.25	210.95	400.00
TOTAL POINTS (Technical + Price)			619.72	620.25	445.95	725.00

REP NO. 447
Employee Group Legal Services Program
Evaluation of Proposals

Hazel Grace-Dansoh

SELECTION CRITERIA	PROPOSERS	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signatue LegalCare	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the Proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 400)		60	180	375	200	275	300
Proposer's experience, including designing and administering the plans (Max. Points: 140)		40	50	135	80	110	120
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 60)		30	35	55	50	55	50
Total Technical Points (Total of above rows)		130	265	565	330	440	470
Total Price Points (Max. Points: 400)				199.72	240.25	210.95	400.00
TOTAL POINTS (Technical + Price)				764.72	570.25	650.95	870.00

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RFP NO. 447
Employee Group Legal Services Program
Evaluation of Proposals

Marsha Pascual

SELECTION PROPOSERS CRITERIA	Pre-Paid Legal Services, Inc. of Florida	U. S. Legal Services, Inc.	ARAG Insurance Company	Heritage Casualty Insurance Company d/b/a Signatue LegalCare	Hyatt Legal Plans of Florida, Inc.	LegalPlans USA
Proposed services, including the Proposer's ability to provide quality legal services to the County's participating employees (Max. Points: 400)	90	150	380	275	325	360
Proposer's experience, including designing and administering the plans (Max. Points: 140)	50	60	120	85	115	115
Qualifications of the most important members of the professional and management staff, including subcontractors (Max. Points: 60)	10	12	50	24	30	48
Total Technical Points (Total of above rows)	150	222	550	384	470	523
Total Price Points (Max. Points: 400)			199.72	240.25	210.95	400.00
TOTAL POINTS (Technical + Price)			749.72	624.25	680.95	923.00

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Memorandum



Date: October 14, 2004
To: Those Listed Below
From: George M. Burgess
County Manager
Subject: Request for Evaluation/Selection Committee for the General Services Administration
Department Request for Proposals for Employee Group Legal Services Program -
RFP No. 447

In accordance with Administrative Order 3-34, I am hereby appointing those listed below as the Selection Committee for the General Services Administration Department Request for Proposals for Employee Group Legal Services Program - RFP No. 447:

Selection Committee
Oscar Willumsen, DPM (Non-Voting Chairperson)
Marsha Pascual, GSA
Hazel Grace-Dansoh, GSA
Andrew Mullings, ERD
Mario Santana, DBD
Sandra Gamble, MDT
Michael Szatala, DHS (Alternate)

The Selection Committee will meet to review written or printed material regarding the qualifications of each of the certified firms as it relates to the requirements defined in the advertised document. If required, the Selection Committee will select several candidate firms meeting the published criteria, to make oral presentations at a properly noticed public hearing to the full Selection Committee.

The Selection Committee shall be responsible for evaluating, rating and ranking the proposals by each Committee member, based on the criteria and procedure contained in the advertised document. The Evaluation/Selection Committee will first evaluate and rank responsive proposals on the Technical (Quality) criteria. If responsive proposers are invited to make oral presentations, the Committee may re-rate and re-rank the proposals based upon the written documents combined with the oral presentation. You may utilize staff of the issuing department and the using agency to conduct a preliminary review of the proposals for responsiveness to the technical requirements. All requests for specific determinations shall be made in writing to the County Attorney's Office.

You are directed to assist me in the selection process considering the factors delineated in the advertised document. These factors may include methodology and management approach, qualifications and experience of principals and staff, financial stability, proposer's past performance of similar scope and size, proposer's detailed plans to meet the objectives of each task, activity, etc., pursuant to any schedule, proposer's previous County experience, history and experience of the firm or individual(s), understanding of the project and the County's objectives, responsiveness to the established requirements, and Cost/Revenue (normally separate and sealed). When the document requires the proposer to provide cost/revenue in a separate sealed envelope, "cost/revenue" will be considered separately and after the other criteria have been evaluated.

If you are unable to participate in the Selection process, contact this office through the Department of Business Development (DBD) by memorandum documenting the reason why you cannot participate. Only in cases of dire urgency may you be excused from participation.

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The alternate committee member will serve only in the event of an approved substitution. No substitution of committee members shall be allowed after the first official meeting of the committee. The Department of Procurement Management's (DPM) RFP Unit may substitute the chairperson to ensure the appropriate level of staffing expertise as deemed necessary to accommodate the needs of this solicitation.

Following the oral presentation, or upon completion of the review process, the Committee shall prepare and submit a memorandum to include a narrative of the evaluation and justification of the top recommended firm(s) based upon the reasoning and mathematical formula, if utilized, and attach supporting documentation and a summary sheet which MUST include the following information:

Name of firm(s)
Quality Rating Score
Price
Adjusted Score (if applicable)
Committee's Overall Ranking

This report should be submitted to me through the DPM and the DBD for review and consideration for further recommendation to the Board of County Commissioners.

As a matter of administrative policy and to maintain a fair and impartial process, all individuals appointed to the Selection Committee (including the Chairperson) and staff are instructed to refrain from discussing the solicitation with prospective lobbyists and/or consultants. Committee members are reminded that in accordance with the Code of Silence Ordinance 98-106, they are prohibited from having any communication with potential respondents and/or their representatives. Violation of this policy could lead to termination.

All questions must be directed to the staff contact person(s) designated by the issuing department.

cc: Theodore Lucas, Director, DPM
Bernard McGriff, Director, GSA
Donald S. Allen, Director, ERD
Marsha E. Jackman, Director, DBD
Roosevelt Bradley, Director, MDT
Dean Taylor, Director, DHS

Selection Committee

Oscar Willumsen, DPM (Non-Voting Chairperson)
Marsha Pascual, GSA
Hazel Grace-Dansoh, GSA
Andrew Mullings, ERD
Marjo Santana, DBD
Sandra Gamble, MDT
Michael Szatala, DHS (Alternate)

**EVALUATION/SELECTION COMMITTEE
GENERAL SERVICES ADMINISTRATION DEPARTMENT
EMPLOYEE GROUP LEGAL SERVICES PROGRAM**

RFP NO. 447

Committee Member/ Title	Department	Start Year With County	Ethnicity/ Gender	Education	Professional Licenses	Telephone #
Oscar Willumsen Non-Voting Chairperson	DPM	--	--	--	--	(305) 375-1416
Marsha Pascual, Director Risk Management Division	GSA	1980	White Female	Bachelors in Business Administration	N/A	(305) 375-4281
Hazel Grace Dansoh Insurance Benefits Manager	GSA	1982	Black Female	Masters in Business Administration Bachelor of Arts in Management	N/A	(305) 375-4288
Andrew Mullings Employee Development Manager	ERD	1998	Black Male	Masters in Business Administration	N/A	(305) 375-2522
Mario Santana DBD Contractor Compliance Officer 2	DBD	2000	Hispanic Male	Bachelor of Science in Business Management	State of Florida Title Clerk	(305) 375-3184
Sandra Gamble Personnel Specialist 3	MDT	1986	White Female	Bachelors in Education	N/A	(305) 637-3721
Michael Szatala Administrative Officer 3 (Alternate)	DHS	1983	White Male	Bachelors in Business Administration	Administration Fiscal/Personnel	(305) 633-6481

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